



Attorney Docket No. 018484-001200

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS FOR PURIFYING NUCLEIC ACIDS** the specification of which ___ is attached hereto or X was filed on July 23, 1998 as Application No. 09/121,798 and was amended on ___ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes _ No _
			Yes _ No _

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
08/691,090	8/1/96	_ Patented <u>X</u> Pending _ Abandoned
		_ Patented _ Pending _ Abandoned

Full Name of Inventor 1	Last Name Bridenbaugh	First Name Robert	Middle Name or Initial	
Residence & Citizenship	City Milbrae	State/Foreign Country California	Country of Citizenship USA	
Post Office Address	Post Office Address 130 Minorca Way	City Millbrae	State/Country California	Zip Code 94030
Full Name of Inventor 2	Last Name Dang	First Name Warren	Middle Name or Initial	
Residence & Citizenship	City Alameda	State/Foreign Country California	Country of Citizenship USA	
Post Office Address	Post Office Address 7 Benedict Court	City Alameda	State/Country California	Zip Code 94502
Full Name of Inventor 3	Last Name Bussey	First Name Lee	Middle Name or Initial B.	
Residence & Citizenship	City San Mateo	State/Foreign Country California	Country of Citizenship USA	
Post Office Address	Post Office Address 1561 Ascension Drive	City San Mateo	State/Country California	Zip Code 94402

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Robert Bridenbaugh	Warren Dang	Lee B. Bussey
Date <i>9/11/98</i>	Date <i>9/11/98</i>	Date <i>9/11/98</i>

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Attorney Docket No. 018484-001200

POWER OF ATTORNEY BY ASSIGNEE

Megabios Corporation is the Assignee of the invention entitled: METHODS FOR PURIFYING NUCLEIC ACIDS, the specification of which ___ is attached hereto or X was filed on July 23, 1998 as Application Serial No. 09/121,798.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jonathan Alan Quine, Reg. No. 41,261
William M. Smith, Reg. No. 30,223
Kevin L. Bastian, Reg. No. 34,774
Annette S. Parent, Reg. No. 42,058

Send Correspondence to:

Jonathan Alan Quine
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:
(Name, reg. no., tele. no.)

Jonathan Alan Quine
Reg. No. 41,261
(415) 576-0200

Megabios Corporation

Date: 24 Sept 98

By: [Signature]

(Signature)

Name: Benjamin F. McGraw, III

Title: Chairman, President & CEO

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Robert Bridenbaugh, Warren Dang and Lee B. Bussey

Application or Patent No.: 09/121,798

Filed or Issued: July 23, 1998

Title: METHODS FOR PURIFYING NUCLEIC ACIDS



I hereby declare that I am:

☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern:
 Address of Small Business Concern:

Megabios Corporation
863A Mitten Road
Burlingame, California 94010

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS FOR PURIFYING NUCLEIC ACIDS by inventor(s) Robert Bridenbaugh, Warren Dang and Lee B. Bussey described in:

☐ the specification filed herewith.
☒ Application No. 09/121,798, filed July 23, 1998.
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name _____
 Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name _____
 Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:
 Title of Person if Other than Owner:
 Address of Person Signing:

Benjamin F. McGraw, III
Chairman, President & CEO
863A Mitten Rd.
Burlingame CA 94010

Signature _____

Date 24 SEP 98

CERTIFICATE UNDER 37 C.F.R. § 3.75(b)

Applicant: Bridenbaugh et al.

Application No.: 09/121,798

Filed: July 23, 1998



For: METHODS FOR PURIFYING NUCLEIC ACIDS

Megabios Corporation
(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

: 9/11/98

Name

: Robert Bridenbaugh

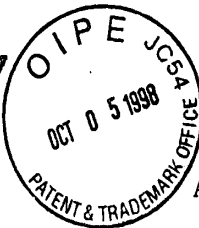
Title

: Sr. Director, Manufacturing

Signature

: [Signature] 9/11/98

COPY



Attorney Docket No. 018484-001200

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Robert Bridenbaugh of 130 Minorca Way, Millbrae, California 94030, Warren Dang of 7 Benedict Court, Alameda, California 94502 and Lee B. Bussey of 1561 Ascension Drive, San Mateo, California 94402, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **METHODS FOR PURIFYING NUCLEIC ACIDS**

Date(s) of execution of Declaration: 9/11/98 (all)

Filing date: July 23, 1998 Application No.: 09/121,798; and

WHEREAS, Megabios Corporation a Delaware corporation, located at 863A Mitten Road, Burlingame, California 94010, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

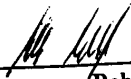
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

- Not For Recordation -

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

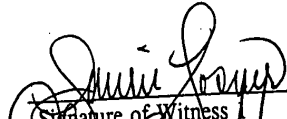
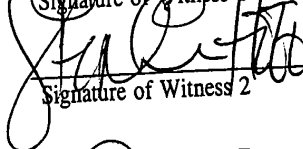
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Robert Bridenbaugh

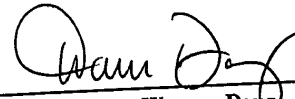
SIGNATURE WITNESSED BY:

(1) Date: 9/11/98

(2) Date: 9/11/98


Signature of Witness 1

Signature of Witness 2

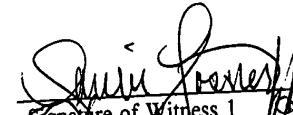
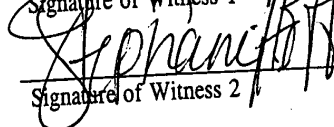
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Warren Dang

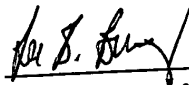
SIGNATURE WITNESSED BY:

(1) Date: 9/11/98

(2) Date: 9/11/98


Signature of Witness 1

Signature of Witness 2

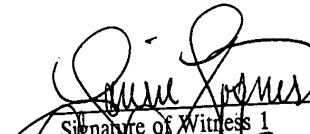
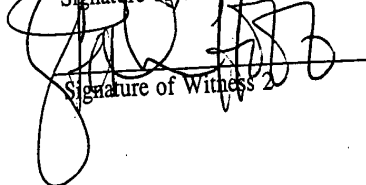
Date: 9/11/98


Lee B. Bussey

SIGNATURE WITNESSED BY:

(1) Date: 9/11/98

(2) Date: 9/11/98


Signature of Witness 1

Signature of Witness 2